

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

JANE DOE 1, et al.

*Plaintiffs,*

vs.

BAYLOR UNIVERSITY

*Defendant.*

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Cause No. 6:16-cv-00173-RP-AWA

Consolidated with  
6:17-cv-228-RP-AWA  
6:17-cv-236-RP-AWA

JURY TRIAL DEMANDED

**ORDER**

On October 23, 2020, Plaintiffs were granted leave to file a motion related to the UnitedLex findings. The Court instructed Plaintiffs to focus their briefing on the specific issues outlined in the Order. (Dkt. 903). Baylor was directed to file any response no later than November 16, 2020, and the matter was set for a hearing before the Court on November 20, 2020. After considering Plaintiffs' motion, Baylor's response, and arguments of counsel the Court finds that the imposition of sanctions against Baylor for discovery abuse is warranted and ORDERS the following:

1. Plaintiffs will be permitted a jury instruction that informs the jury of Baylor's consistent efforts to hide materials in discovery and that allows the jury to presume Baylor was successful in preventing the production of at least some damaging material.
2. UnitedLex is ordered to produce to Plaintiffs all documents for Attorneys' Eyes Only. Baylor is permitted to object to their admission based on privilege at trial.
3. Baylor has waived objections and privilege claims on all Pepper Hamilton documents.
4. Baylor is to pay all costs of travel and court reporter/video for any deposition reconvened based on the documents subject to this Order that were not previously produced.

5. Baylor may no longer withhold document production based on privileges, nor may it obstruct deposition testimony based on privileges. However, the Court will entertain privilege as a basis to exclude evidence or testimony at trial.
6. Baylor shall pay \$\_\_\_\_\_ per day until Baylor complies with the Court's orders.
7. Attorneys' Fees are awarded to Plaintiffs in the amount Baylor is invoiced for all of its work in this matter.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2020.

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ANDREW W. AUSTIN  
United States Magistrate Judge